REMARKS

Claims 1-12 remain pending in this application. Claims 1, 2 and 7-12 were previously presented. Claims 3-6 remain unchanged.

35 U.S.C. §103

Claims 1-2 and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn et al. (US Pat. No. 5,721,829) in view of Fingerman et al. (US Pat. No. 7,143,430) in further view of Colbath (US Pat. No. 6,728,776). Under U.S.C. § 103, the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the references (MPEP § 706.02(j)).

Claim 1 recites, inter alia, a " method of providing a pause function for a broadcast program in a multi-client network, the method comprising...allocating predetermined storage limits in a storage device for a plurality of clients on the network...displaying a broadcast program to a client...receiving a pause request from the client...determining if the client's stored broadcast programming has reached the client's predetermined storage limit...pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit...storing the broadcast program in the storage device while the display of the broadcast program is paused...and displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit." (Emphasis added).

The office action acknowledges that Dunn et al. fails to teach the "allocating predetermined storage limits in a storage device for a plurality of clients on the network", "determining if the client's stored broadcast programming has reached the client's predetermined storage limit" and "displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit" elements of claim 1. Applicant respectfully propose that Dunn et al. also fails to at least teach the "pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit" elements of claim 1. More specifically, Dunn et al., at column 6, lines 39-55, merely

describes always pausing or ceasing the transmission of a program to a STB if a pause message is received by the headend video content playing unit 48. The office action appears to contend that a permanent enablement of the Dunn pause feature occurs because no limit is reached. Applicants respectfully disagree. Dunn et al. appears to teach permanent pausing without consideration of any storage limits. Therefore, there appears to be no teaching or disclosure of a predetermined storage limit in Dunn et al. let alone the "pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit" element recited in independent claim 1. Indeed, the office action expressly acknowledges that Dunn et al. fails to teach "allocating predetermined storage limits in a storage device for a plurality of clients on the network" so it is not surprising that Dunn et al. also fails to teach "pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit". As a result, claim 1 contains multiple elements not taught or suggested by Dunn et al.

The office action proposes that Fingerman et al. teaches "determining if the client's stored broadcast programming has reached the client's predetermined storage limit". Applicants respectfully disagree. Fingerman et al., at Fig. 12 and col. 10, lines 8-32, appears to teach determining if there is enough storage space available to store a program that a client has requested to be stored. If there is not enough space available, the client is prompted to purchase additional storage space. If the client does not purchase additional storage space, the program is not stored. If the client does purchase enough storage space, the program is stored. Determining if there is enough storage space to store an unstored program is not the same as the "determining if the client's stored broadcast programming has reached the client's predetermined storage limit" element recited in independent claim 1. Moreover, Fingerman also fails to teach the "pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit" element recited in independent claim 1. This is not surprising since Fingerman appears to be directed towards storing or not storing an entire unstored program and not directed towards determining whether a program can be paused based upon a clients predetermined

storage limit. As a result, Fingerman et al., similar to Dunn et al., also fails to teach or suggest multiple elements contained in claim 1.

The office action proposes that Colbath teaches the "displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit" element missing in Dunn et al. The office action further appears to propose that Fig. 3 and column 4, lines 18-34 disclose displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit. Applicants respectfully disagree. Colbath, in Fig. 3 and at column 4, lines 18-34, merely discusses communicating streaming data including video programming by queuing the video programming until enough video data is available to permit the user to continue or reinitiate viewing of the video programming. The video programming is queued because there is otherwise "insufficient steaming video data available to be communicated to the user." There is no discussion or disclosure of "displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit" as recited in independent claim 1. Indeed, Colbath appears to teach displaying video programming when enough video programming has been stored and does not appear to teach displaying programming when a pause request has been received but the stored programming has reached a client's storage limit, as set forth in independent claim 1.

Furthermore, it appears that Colbath, similar to Dunn et al and Fingerman et al., also fails to teach or suggest at least the "determining if the client's stored broadcast programming has reached the client's predetermined storage limit" and "pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit" elements of claim 1

As a result, neither Dunn et al. nor Fingerman et al. nor Colbath, either alone or combined, teach the "determining if the client's stored broadcast programming has reached the client's predetermined storage limit...pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit...and displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit" elements of claim 1. Accordingly, it is respectfully proposed that the rejection of claim

1 under 35 U.S.C. § 103(a) is overcome in accordance with the above amendment and remarks and notice to that effect is earnestly solicited.

Claims 2 depends from claim 1 and should therefore also be allowable for the same reasons, as well as for the additional recitation contained therein. Applicant respectfully requests reconsideration of the rejection of the claim in view of the above amendments and remarks.

Independent claim 7 includes elements similar to the elements of independent claim 1 and should therefore be allowable for the same reasons discussed above as well as for the additional recitations contained therein. Therefore, it is respectfully proposed that the rejection for anticipation is overcome. Claim 8 being dependent on and further limiting independent claim 7, should be allowable for that reason, as well as for the additional recitations contained therein. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Claims 3-4 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatenable over Dunn et al. (US Pat. No. 5,721,829) in view of Fingerman et al. (US Pat. No. 7,143,430) in further view of Colbath (US Pat. No. 6,728,776) in further view of Gardner et al. (US Pat. No. 5,583,995).

Claims 3-4 depend from claim 1 and should therefore also be allowable for the same reasons, as well as for the additional recitation contained therein. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above amendments and remarks.

Claims 9-10 depend from claim 7 and should therefore also be allowable for the same reasons, as well as for the additional recitation contained therein. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above amendments and remarks.

Claims 5-6 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatenable over Dunn et al. (US Pat. No. 5,721,829) in view of Fingerman et al. (US Pat. No. 7,143,430) in further view of Colbath (US Pat. No. 6,728,776) in further view of Gelmen et al. (US Pat. No. 5,371,532).

Claims 5-6 depend from claim 1 and should therefore also be allowable for the same reasons, as well as for the additional recitation contained therein. Applicant

respectfully requests reconsideration of the rejection of the claims in view of the above amendments and remarks.

Claims 11-12 depend from claim 7 and should therefore also be allowable for the same reasons, as well as for the additional recitation contained therein. Applicant respectfully requests reconsideration of the rejection of the claims in view of the above amendments and remarks.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (818) 260-4599, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due other than the fees discussed above. However, if an additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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February 24, 2010

CERTIFICATE OF MAILING under 37 C.F.R. §1.8

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: February 24, 2010 _____